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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,831	05/29/2001	Raymond Joseph Reisdorf	TP2630	7236

23906 7590 07/15/2003

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/15/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

139

Office Action Summary

Application No.

09/866,831

Applicant(s)

REISDORF ET AL.

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment and accompanying remarks, Paper No. 9, have been entered and fully considered. Claims 1-17 are under consideration and claim 17 has been amended to correct a typographical error. The specification has been amended to include the domestic priority reference. Applicant's arguments are not found to patentably distinguish the claims over the prior art of record for reasons set forth herein below.

Election/Restrictions

2. Applicant's election without traverse of claims 1-17 in Paper No. 9 is acknowledged. Claim 18 is withdrawn from consideration as non-elected.

Response to Arguments

Claim Rejections - 35 USC § 102/103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-8, 10-13 and 15-17 stand rejected under 35 U.S.C. 102 (b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Pithouse et al., US 4,631,098 as set forth in section 9 of the last Office Action.

The Applicant argues that the prior art reference of Pithouse et al., fails to teach first polymer contained in the non-woven fabric and a second polymer on the surface (Applicant's response, Page 5). The Applicant further argues that Pithouse et al., only teaches embedding the fabric into the polymeric material. These arguments are not found persuasive on the grounds that the Examiner asserts that Pithouse et al., teaches all the limitations of claim 1. Recall, the patent

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issued to Pithouse et al., teaches a heat recoverable article comprising a fabric layer and at least one polymeric layer (Abstract). The polymer layer may comprise various thermoplastic materials such as ethylene vinyl acetate, polypropylene and methacrylates and their copolymers (Column 3, 45-60). The heat recoverable fibers may comprise polyolefin polymers such as polyethylene, polyester and acrylic (Column 5, 42-45). The structure of the fabric may be a knit, woven, or non-woven (Column 6, 11-15). Pithouse et al., discloses various ways apply the polymer layer to form the fabric composite, such as embedding the fabric in the polymer. *Pithouse et al., also teaches that the polymeric materials forming the layers on opposite sides of the fabric may be the same or may differ from one another, and laminates of different polymeric layers may used on one or both sides of the fabric* (Column 6, 36-69). Pithouse et al., teaches that embedding the fabric in the polymeric material is preferred, however, other coating methods are contemplated such as impregnation, powder, or slurry coating. The Applicant is invited read the passage beginning in column 7, line 60 through column 8, line 16 for further disclosure on such coating techniques. To that end, it is the position of the Examiner that one or more polymeric materials (i.e., polymeric laminate) coated, impregnated, or embedded on one or both surfaces of a polyolefin non-woven meets the limitation of having a first polymer contained within the fabric and second polymer present on the surface of said fabric. For instance, impregnating a non-woven fabric with a laminate comprising ethylene vinyl acetate and polypropylene, which is encompassed by Pithouse et al., would not only meet the structural limitations but also the stress index and trapezoidal tear strength properties since ethylene vinyl acetate exhibits a lower stress index than polypropylene.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 9 and 14 stand rejected under 35 U.S.C. 103(a) as obvious over Pithouse et al., US 4,631,098 as applied to claims 7 and 13 above as set forth in section 10 of the last Office Action and no new arguments have been presented.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 703-305-4070. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ls
July 14, 2003



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700